

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 BRIONNA SCHMIDT,

11 Plaintiff,

12 v.

13 ALLSTATE INSURANCE
14 COMPANY,

Defendant.

CASE NO. C19-5589RBL

ORDER

15 THIS MATTER is before the Court on Plaintiff Schmidt's Motion to Compel. [Dkt. #19].

16 The Motion to Compel is **GRANTED** in part and **DENIED** in part.

17 1. If and to the extent it has not done so, Allstate shall immediately produce all claims
18 manuals and other non-privileged documents responsive to Schmidt's Requests for Production Nos.
19 4, 5, and 7, subject to the proviso that they shall be used only in connection with this litigation.

20 2. The parties will meet and confer (without a court reporter) and agree on a mutually
21 acceptable date for the 30(b)(6) deposition, and, if necessary, for Schmidt's deposition.

22 3. The Court will not award fees or sanctions.

23 4. The Court overrules Allstate's attorney-client privilege and work-product objections
24 to producing documents regarding Allstate's bases for calculating Schmidt's insurance policy limits
and Allstate's basis for tendering the balance of Schmidt's policy limits as a post-litigation

1 undisputed loss payment. The foregoing documents reflect claims-handling activities that are
2 separate from the strategic litigation defenses that are privileged in a UIM case. *Richardson v. Gov't*
3 *Employees Ins. Co.*, 200 Wn. App. 705, 714–15, 403 P.3d 115, 122 (2017) (citation omitted).
4 Attorneys' involvement in these claims-handling activities does not render them subject to the
5 attorney-client privilege or the attorney-work product doctrine. *Ten Talents Inv. I, LLC v. Ohio Sec.*
6 *Ins. Co.*, C12-5849RBL, 2013 WL 1618780, at *1 (W.D. Wash. Apr. 15, 2013) (citation omitted);
7 *Carnahan v. Alpha Epsilon Pi Fraternity, Inc.*, 2:17-CV-00086-RSL, 2018 WL 5825310, at *2
8 (W.D. Wash. Nov. 7, 2018) (citations omitted).

9 5. The parties will remember the lesson of proportionality. Be reasonable, be cordial, be
10 professional. Sign the model protective order and mediate this dispute at the earliest time and in the
11 cheapest manner.

12 IT IS SO ORDERED.
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14 Dated this 8th day of April, 2020.
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16 Ronald B. Leighton
17 United States District Judge
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